

Amendment Under 37 CFR 1.115  
Dated July 29, 2004  
Serial No. 09/213,271

### REMARKS

Reconsideration of this rejections set forth in the Office Action is respectfully requested. Currently, claims 1-8, 10-11, 13-16, and 18-23 are pending in this application. The indication that claims 4-8, 10-11, 13-16, and 18-23 are allowable over the art of record is noted with appreciation.

#### Rejection of claims 1-3 under 35 U.S.C. 103 over Hung, Pistilli, and McMillen

Claims 1-3 were rejected under 35 U.S.C. 103 as unpatentable over Hung (U.S. Patent No. 5,390,231) in view of Pistilli (U.S. Patent No. 5,539,820), and further in view of McMillen (U.S. Patent No. 3,590,325). Specifically, the Examiner has taken the position that the combination of Hung and Pistilli teach everything claimed, with the exception of "control means for operating the power supply isolation means ... in response to ... a voltage sensed by the voltage sensing means failing to exceed a voltage threshold." However, the Examiner has cited McMillen as teaching "a circuit sensing low voltage condition to control power supply voltage." This rejection is respectfully traversed in view of the following arguments.

#### The combination of McMillen with Hung and Pistilli would not teach every limitation of independent claim 1.

McMillen teaches a high voltage circuit breaker control circuit that will cause the circuit breaker to open when the power supply to the control circuit drops below a given threshold, so that if power is cut to the control circuit, the high voltage circuit breaker is opened to prevent damage to protected circuitry. Specifically, as taught by McMillen, high power circuit breakers are controlled by control circuits which allow the high power circuit breakers to be opened when there is a fault on the high power transmission line. McMillen's invention deals with: what happens when there is a power failure to the control circuit. (McMillen at col. 1, lines 52-55). McMillen, teaches that the power supply voltage to the control circuit should be monitored and, if a low power supply voltage is sensed, (McMillen at col. 1, lines 26-28) that the high power circuit breakers should be opened. (McMillen at col. 1, lines 37-41). Thus, McMillen's control circuit checks for a low voltage condition on the power supply which is being used to power the control circuit.

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Claim 1 recites control means for operating an isolation means when two conditions are met: (1) that the current flowing through the telephone line exceeds a current threshold, and (2) that the voltage across the telephone subscriber line fails to exceed a voltage threshold. The Examiner has taken the position that Hung and Pistilli teaches the control means that checks the first condition. Combining McMillen with Hung and Pistilli, however, would not cause the control means to check for the second condition. Rather, since the control circuit in McMillen looks for a low voltage on the power supply that is being used to power the control circuit, combining McMillen with Hung and Pistilli would yield a control circuit configured to check the first condition, and which also monitored its own power supply to make sure it was being properly powered. The combination would not teach or suggest to a person of ordinary skill in the art, however, that the control circuit should check for two conditions on the telephone line being monitored.

Put another way, claim 1 states that the control means decouples the power supply from the line circuit in response to a current flowing through the telephone subscriber line exceeding a current threshold and to a voltage across the telephone subscriber line failing to exceed a voltage threshold. The Examiner has stated that Hung and Pistilli teach the first part – a control that will decouple the power supply from the line circuit in response to a current flowing through the subscriber line exceeding a current threshold. However, the McMillen reference, if combined with Hung and Pistilli, would not teach a person of ordinary skill in the art to look for a low voltage on the telephone subscriber line, but rather would teach a person to check for a low voltage on the power supply lines to the control circuit so that, in case of a power failure to the control circuit, the telephone subscriber line could be disconnected. Accordingly, applicants respectfully submit that the combination of McMillen with Hung and Pistilli fails to teach or suggest all limitations of independent claim 1, and that claim 1 is thus patentable over the combination of cited references. Claims 2 and 3 depend from claim 1 and are patentable for at least the same reasons.

McMillen is not analogous art and hence is not properly combinable with Hung and Pistilli.

Applicants respectfully submit that McMillen is non-analogous art (See MPEP 2141.01(a)). As set forth in the MPEP, in order to rely on a reference, the reference must either

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be in the field of the applicant's endeavor, or, if not, then be reasonably pertinent to the particular problem with which the inventor was concerned. In this instance, McMillen is not at all related to voltage and current protection arrangements for a telephone subscriber line interface, and thus cannot be considered analogous art.

McMillen relates to circuit breaker control circuits, not telephone line circuits. As taught by McMillen, high power circuit breakers are controlled by electrical circuits which allow the high power circuit breakers to be opened when there is a fault on the high power transmission line. McMillen's invention deals with: what happens when there is a problem in the control circuit. (McMillen at col. 1, lines 52-55). McMillen, teaches that a problem with the control circuit may be implied by sensing a low power supply voltage (McMillen at col. 1, lines 26-28) and that the high power circuit breakers should be opened when this condition is sensed. (McMillen at col. 1, lines 37-41). McMillen is therefore not within the field of applicant's endeavor, since McMillen does not deal with telephone circuits but rather deals with circuits to control high power circuit breakers. These two circuits are pulled from very different areas of electrical engineering and a person of ordinary skill in the art, looking to design a telephone interface control circuit, would not naturally be inclined to look to high power circuit breaker control circuits.

Additionally, McMillen is not reasonably pertinent to the problem with which the inventors in this application were concerned. As discussed in the background of the invention section of the instant application, applicants were looking to design a voltage and current protection arrangement for a telephone line circuit that was able to take advantage of current limiting capabilities of electronic telephone sets under normal operating conditions. A control circuit that causes a high-power circuit breaker to open when the control circuit senses a drop off in supply voltage is not reasonably pertinent to this problem. Thus, applicants respectfully submit that McMillen is not analogous art.

#### Conclusion

If there are any questions or concerns regarding the amendments or these remarks, the Examiner is requested to telephone the undersigned at the telephone number listed below. If an additional rejection of the claims is deemed warranted, the Examiner is respectfully requested to

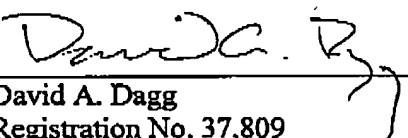
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contact John C. Gorecki at the number listed below to provide an opportunity to discuss the rejection with the Examiner in a telephone interview.

If any fees are due in connection with this filing, the Commissioner is hereby authorized to charge payment of the fees associated with this communication or credit any overpayment to Deposit Account No. 502246 (Ref: NN-RO3951).

Respectfully Submitted

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